

**EDUCATION DEPARTMENT[281]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 21, "Community Colleges," Iowa Administrative Code.

This amendment implements sections 15 to 18 of 2011 Iowa Acts, Senate File 470, which authorizes the Department to approve a provider of a course for drinking drivers offered outside this state.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the August 24, 2011, Iowa Administrative Bulletin as **ARC 9686B**. Public comments were allowed until 4:30 p.m. on September 13, 2011. A public hearing was held on that date and no persons attended. No written or oral comments were received. This amendment is identical to that published under Notice.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement 2011 Iowa Acts, Senate File 470, sections 15 to 18.

This amendment shall become effective January 18, 2012.

The following amendment is adopted.

Amend rule 281—21.31(321J) as follows:

**281—21.31(321J) Course.**

**21.31(1)** A course provided ~~according to~~ in accordance with Division III of this chapter shall be offered on a regular basis at each community college or by a substance abuse treatment program licensed under Iowa Code chapter 125, ~~and may be offered at a state correctional facility listed in Iowa Code section 904.102.~~ However, a community college shall not be required to offer the course if a substance abuse treatment program licensed under Iowa Code chapter 125 offers the course within the merged area served by the community college.

**21.31(2)** A course provided in accordance with Division III of this chapter may be offered at a state correctional facility listed in Iowa Code section 904.102.

**21.31(3)** A course provided in accordance with Division III of this chapter may be offered by a provider in another state when the course and its provider are approved by the department of education pursuant to 2011 Iowa Acts, Senate File 470.

**21.31(4)** Enrollment in the course is not limited to persons ordered to enroll, attend, and successfully complete the course required under Iowa Code sections 321J.1 and 321J.17, subsection 2. However, any person under the age of 18 who is required to attend the courses for violation of Iowa Code section 321J.2 or 321J.17 must attend a course offered by a substance abuse treatment program licensed under Iowa Code chapter 125.

**21.31(5)** Any instructional course shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of public health, and the Iowa department of corrections. Each course of instruction shall establish the following:

1. a. An understanding that alcohol-related problems could happen to anyone and that a person's drinking choices matter. The course illustrates common views of society that prevent people from taking drinking choices seriously. Research is presented to challenge common views with an understanding that alcohol problems are related to lifestyle choices.

2. b. An understanding that specific low-risk choices will help reduce the risk of experiencing alcohol-related problems at any point in life. The course presents research-based, low-risk guidelines.

3. c. Methods of providing support for making low-risk choices.

4. d. An accurate description of the progression of drinking to the development of alcoholism to help people weigh the risk involved with high-risk drinking and to see how high-risk choices may jeopardize their lives and the lives of others.

~~5. e.~~ Opportunities to develop a specific plan of action to follow through with low-risk choices.  
A list of community resources is provided for ongoing support and treatment as needed.

[Filed 11/16/11, effective 1/18/12]

[Published 12/14/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/14/11.